

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 CIAE-00 PM-04 INR-07 L-03
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FM USMISSION NATO
TO SECSTATE WASHDC 4456

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E. O. 11652: N/A
TAGS: NATO, APER, AORG
SUBJECT: NATO CIVILIAN PERSONNEL REGULATIONS
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1. IN DISCUSSION WITH NETHERLANDS DCM BUWALDA AND US CHARGE JUNE 23, UK DCM HOLMER SAID THAT HIS AUTHORITIES WERE CONCERNED ABOUT THE INCREASING TENDENCY WITHIN THE INTERNATIONAL STAFF (IS) TO PROMOTE FROM WITHIN RATHER THAN SEEKING QUALIFIED CANDIDATES FROM OUTSIDE THE ORGANIZATION. IN THE UK VIEW, THIS WAS LEADING TO A DIMINUTION IN THE QUALITY OF IS PERSONNEL. HOLMER NOTED THAT THE UK PERMREP KILLICK HAD RAISED THIS ISSUE WITH THE SYG AND SPECIFICALLY HAD POINTED OUT TO THE NATO APPEALS BOARD THE INCONSISTENCY BETWEEN THE NATO CIVILIAN PERSONNEL REGULATIONS CALLING FOR APPOINTMENTS ON THE BASIS OF MERIT AND THE PROVISION IN THE SAME REGULATIONS THAT PROMOTIONS ESSENTIALLY SHOULD COME FROM WITHIN THE ORGANIZATION. HOLMER SUBSEQUENTLY PROVIDED A MEMORANDUM ON THIS POINT (SEE PARA 4 BELOW).

2. RECALLING RECENT INFORMAL MEETING OF SEVERAL DCMS, INCLUDING US, ON THE US PROPOSALS FOR THE REFORMATION OF
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THE CCG AND OTHER PERSONNEL MATTERS (SEE SEPTTEL), HOLMER SUGGESTED THAT THIS MATTER SHOULD BE RAISED SOON IN A FURTHER INFORMAL MEETING OF DCMS.

3. COMMENT: WE PREVIOUSLY HAVE NOTED THE INCREASING SCLEROSIS IN NATO'S IS AND PROPOSED STEPS TO BROADEN RECRUITMENT, SOME OF WHICH THE DEPARTMENT APPROVED, AND WHICH WE ARE PURSUING IN CONTACTS HERE. HOWEVER, THE UK

HAS IDENTIFIED A SPECIFIC INCONSISTENCY IN THE CIVILIAN PERSONNEL REGULATIONS THAT WE BELIEVE SHOULD BE ELIMINATED IN ORDER TO HELP ASSURE THE RECRUITMENT OF THE BEST PERSONNEL POSSIBLE FOR IS JOBS. IF THE DEPARTMENT AGREES, THEN WE WOULD PROPOSE INDICATING TO THE UK AND OTHERS OUR READINESS TO JOIN IN CIVIL BUDGET COMMITTEE IN PROPOSING REVISION OF THE RELEVANT REGULATIONS. END COMMENT.

4. BEGIN TEXT: APPEALS BOARD RULING OF 17 NOVEMBER 1976 ON SELECTION OF CANDIDATES FOR NATO POSTS

1. ARTICLE 57.1 OF THE CIVILIAN PERSONNEL REGULATIONS STIPULATES THAT, "BEFORE INITIATING RECRUITMENT OUTSIDE THE STAFF, THE HEAD OF A NATO BODY SHALL CONSIDER THE SUITABILITY OF SERVING CIVILIAN STAFF IN RELATION TO VACANT POSTS..... BY NOTIFYING ALL NATO BODIES OF THOSE VACANCIES ON HIS ESTABLISHMENT FOR WHICH SUITABLE CANDIDATES WITHIN THE ORGANIZATION MAY APPLY." ON 17 SEPTEMBER 1976 THE APPEALS BOARD RULED THAT, ALTHOUGH THIS ARTICLE DOES NOT DEBAR THE HEAD OF A NATO BODY FROM SIMULTANEOUSLY SENDING VACANCY NOTICES TO OTHER NATO BODIES AND FROM MAKING THE VACANCY KNOWN OUTSIDE THE ORGANIZATION, IT NEVERTHELESS IMPLIES THAT AT THE TIME OF RECRUITMENT THE HEAD OF THE BODY CONCERNED WILL CONSIDER THE SUITABILITY OF APPLICATIONS FROM INSIDE THE ORGANIZATION BEFORE APPOINTING, IF APPROPRIATE, AN OUTSIDE CANDIDATE. FURTHER, HE CANNOT LEGALLY APPOINT AN OUTSIDE CANDIDATE IF HE CON-

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SIDERS ONE OR MORE CANDIDATES FROM INSIDE THE ORGANIZATION TO BE SUITABLE FOR THE VACANT POST.

2. THIS RULING HAS ALREADY BEEN INTERPRETED BY THE DIRECTOR GENERAL OF NICSMA (NICSMA/MR/77/10 OF 5 APRIL 1977) AS PROTECTING THE POSITION OF EXISTING STAFF MEMBERS AND AS INDICATING THAT, ON OCCASION, AN OUTSTANDING EXTERNAL CANDIDATE WILL BE EXCLUDED.

3. ARTICLE 1.1 OF THE NATO CIVILIAN PERSONNEL REGULATIONS LAYS DOWN THAT STAFF "SHALL BE RECRUITED AND APPOINTED ON A BASIS OF MERIT FROM AMONG THE NATIONALS OF THE MEMBER COUNTRIES". BECAUSE OF THE APPARENT INCONSISTENCY BETWEEN THIS ARTICLE AND THE APPEALS BOARD RULING, SIR JOHN KILLICK MET THE NATO APPEALS BOARD ON 5 MAY. MR. GUILLAUME DEFENDED THE RULING ON THE LINES THAT THERE WAS NO NECESSARY IMPLICATION FROM ARTICLE 1 THAT THE BETTER CANDIDATE MUST BE CHOSEN, BECAUSE THIS ARTICLE HAS TO BE READ IN RELATION TO ARTICLE 57. THUS, IF A SERVING MEMBER OF THE STAFF MET THE MINIMUM REQUIREMENT OF THE JOB, THE JOB HAD TO GO TO HIM OR HER. HE ACKNOWLEDGED THAT THIS MIGHT CAUSE PROBLEMS FOR NATO AND SUGGESTED THAT IF THEY

WERE TO BE SOLVED THE PERSONNEL REGULATIONS HAVE TO BE AMENDED, UNLESS THE RULING WERE TO BE REFINED BY A SUBSEQUENT RULING IN SOME APPROPRIATE LATER CASE.

4. ANY CHANGE IN THE PERSONNEL REGULATIONS WOULD REQUIRE COUNCIL APPROVAL, AND THE MATTER WOULD HAVE TO BE VERY CAREFULLY HANDLED IN VIEW OF LIKELY REACTIONS FROM THE STAFF, WHO HAVE SEEN THE APPEALS BOARD RULING AS PROTECTING THEIR POSITION. NEVERTHELESS, IN VIEW OF THE DAMAGING IMPLICATIONS FOR THE POLICY OF SECONDMENT FROM

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MEMBER COUNTRIES, THE RULING SHOULD PERHAPS BE FURTHER DISCUSSED AMONG INTERESTED DELEGATIONS. END TEXT.
STREATOR

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